

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE LITIGATION

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) MDL No. 1456  
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) Civil Action No. 01-CV-12257 PBS  
)

THIS DOCUMENT RELATES TO  
01-CV-12257-PBS AND 01-CV-339

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) Judge Patti B. Saris  
)

) Chief Magistrate Judge Marianne B. Bowler

**DECLARATION OF STEVEN M. EDWARDS IN SUPPORT OF  
TRACK 1 DEFENDANTS' MOTION TO PRECLUDE THE  
EXPERT TESTIMONY OF DR. RAYMOND HARTMAN IN  
CONNECTION WITH CLASS 3**

STEVEN M. EDWARDS, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am a member of Hogan & Hartson L.L.P., attorneys for defendants Bristol-Myers Squibb Co., Oncology Therapeutics Network Corp. and Apothecon, Inc. ("BMS"). I make this declaration in support of Track 1 Defendants' Motion to Preclude the Expert Testimony of Dr. Raymond Hartman in Connection with Class 3. I have personal knowledge of the facts stated herein.

2. I took Dr. Hartman's deposition from February 27, 2006 through March 1, 2006 in connection with the Declaration of Raymond S. Hartman in Support of Plaintiffs' Claims of Liability and Calculation of Damages, dated December 15, 2005 and the Supplemental Declaration of Raymond S. Hartman in Support of Plaintiffs' Claims of Liability and Calculation of Damages: Addendum, dated February 3, 2006. More than a month later, Plaintiffs filed two unauthorized declarations in connection with the summary judgment briefing. On April 7, 2006, Plaintiffs filed the Declaration of Raymond S. Hartman

in Opposition to Defendants' Motions for Summary Judgment, dated April 6, 2006 in support of their opposition to Track 1 Defendants' motion for summary judgment. On April 28, 2006, Plaintiffs filed the Reply Declaration of Raymond S. Hartman in Support of Plaintiffs' Motion for Summary Judgment, dated April 27, 2006 in support of their summary judgment. Track 1 Defendants have not had an opportunity to depose Dr. Hartman as to these two new declarations.

3. Attached hereto are true and correct copies of the following exhibits:

Exhibit 1	Declaration of Raymond S. Hartman in Opposition to Defendants' Motions for Summary Judgment dated April 6, 2006
Exhibit 2	Reply Declaration of Raymond S. Hartman in Support of Plaintiffs' Motion for Summary Judgment dated April 27, 2006
Exhibit 3	Deposition of Meredith Rosenthal taken on February 22, 2006 (Pages 1-231)
Exhibit 4	Deposition of Meredith Rosenthal taken on February 23, 2006 (Pages 232-415)
Exhibit 5	Letter from Keane Chan, Trigon Services, Inc., to Karen Ford Manza, US Oncology dated January 5, 2000 (A-VA 03010065-68)

4. Attached hereto as Exhibits 6-8 are true and correct copies of the following Track 1 Defendants' expert reports:

Exhibit 6	Merits Report and Declaration of Gregory K. Bell, Ph.D. dated March 15, 2006 (without exhibits)
Exhibit 7	Declaration of Eric M. Gaier, Ph.D., in Support of Track 1 Defendants' Joint Motion for Summary Judgment dated March 15, 2006
Exhibit 8	Supplemental Declaration of Sumanth Addanki, Ph.D. dated April 27, 2006

5. Attached hereto as Exhibits 9-22 are true and correct copies of the following deposition transcripts:

Exhibit 9	Deposition of Sheila R. Cizauskas taken on March 10, 2006
Exhibit 10	Deposition of Maureen Coneys taken on April 12, 2006
Exhibit 11	Deposition of Jan L. Cook, M.D. taken on March 6, 2006 (Volume I)
Exhibit 12	Deposition of Deborah Devaux taken on March 9, 2006
Exhibit 13	Deposition of Kelly Ellston taken on November 23, 2004
Exhibit 14	Deposition of Steven J. Fox taken on March 8, 2006
Exhibit 15	Deposition of Lisa M. Gorman taken on March 7, 2006 (Volume I)
Exhibit 16	Deposition of Raeann Maxwell taken on September 10, 2004 (Volume II)
Exhibit 17	Deposition of Susan Mengert taken on October 5, 2004
Exhibit 18	Deposition of Timothy J. Miller taken on January 5, 2005
Exhibit 19	Deposition of Bruce M. Nieblyski, M.D. taken on June 30, 2006
Exhibit 20	Deposition of Vincent Plourde taken on April 13, 2006
Exhibit 21	Deposition of Carol Sidwell taken on September 17, 2004
Exhibit 22	Deposition of Scott Wert taken on February 1, 2006

Dated: July 14, 2006

/s/ Steven M. Edwards  
Steven M. Edwards

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document was served on all counsel of record by e-mail and electronic service pursuant to Paragraph 11 of the Case Management Order No. 2 on July 14, 2006, by sending a copy to Lexis/Nexis for posting and notification to all parties.

/s/ Jacob T. Elberg  
Jacob T. Elberg